Replacement of Environment Protection Act, 1994

1249. SHRI M.V. MYSURA REDDY: Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether it is a fact that Government have amended the Environment Protection Act, 1994 with a new Notification in 2006;

(b) if so, whether the Environment Impact Assessment Notification replete with inconsistencies violating constitutional provisions and several Acts of the Parliament, like-ignored mandate of 73rd and 74th constitutional amendments, ignored local bodies, stultifies the rights of citizens under Article 21 of the Constitution of India, makes serious inroads into the powers thereby resulting in additional expenditure to the State Government for which no provision is made; and

(c) the action taken to sustain natural resources and ecological well being of the country?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI NAMO NARAIN MEENA): (a) No, Sir. However, under the Environment (Protection) Act, 1986 the Government has issued a Notification on Environment Impact Assessment (EIA) on 14th September, 2006 replacing the earlier Environment Impact Assessment Notification, 1994.

(b) There is no violation of constitutional provisions for notifying the EIA Notification, 2006. The Notification is a "Subordinate Legislation" and therefore, as per Parliamentary Procedure, after its, publication in the Gazette of India on 14th September, 2006, an authenticated copy of the Notification was laid on the Table of both the Houses of Parliament.

After holding extensive consultations with relevant stakeholders over a period of one year, a draft Notification on the revised Environmental Clearance Process was notified on September 15, 2005 inviting objections/ suggestions from the public within sixty days. After due consideration of all the suggestions/objections received, the Ministry of Environment and Forests notified the final Notification on 14th September, 2006 superceding the EIA Notification, 1994.

Subsequent to the issue of the Notification, consultation were held with Environment Secretaries of all State/UT Administration for effective implementation of the Notification including constitution of State Level Authorities and Expert Apraisal Committees. There were no objections from the State Governments for bearing the additional expenditure required for providing logistic support to the various Authorities and Committees to be constituted as per the Notification. The Notification provides for 'Public Consultation' with the people affected and plausible stakeholders, including Panchayati Raj Institutions, for the developmental projects seeking prior environmental clearance.

(c) The Notification provides for environmental impact assessment study through which necessary environmental safeguards are provided at planning stage of the developmental projects for conservation and protection of natural resources of the area and ecological well being of the country.

Diversion of Forest Land

1250. SHRI KANJIBHAI PATEL: Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether Government had received any proposal from the Gujarat Government in December, 2005 for diverting about 3000 hectares of land for cultivation under forest cover; and

(b) if so, the details thereof and the actions taken to accord approval to the said proposal?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI NAMO NARAIN MEENA): (a) and (b) The State Government of Gujarat had submitted a proposal in December, 2005, under the Forest (Conservation) Act, 1980 to the Ministry of Environment and Forests for regularization of 2236.05 hectares of forest land under cultivation prior to 25.10.1980. However, in view of the stay on regularization of encroachments on forest land granted by the Hon'ble Supreme Court on 23.11.2001 in Writ Petition (Civil) No. 202 of 1995, no action could be taken on the said proposal.